

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**CHARLES MANZIONE, Derivatively on behalf
of Express Scripts, Inc.,**

Plaintiff,

vs.

**BARRETT A. TOAN, GARY G. BENANAV,
FRANK J. BORELLI, NICHOLAS J. LAHOWCHIC,
THOMAS P. MacMAHON, JOHN O. PARKER, JR.,
GEORGE PAZ, SAMUEL K. SKINNER,
SEYMOUR STERNBERG, HOWARD L. WALTMAN,
and NORMAN ZACHARY,**

Defendants.

No. 4:04CV1608-SNL

ORDER

In light of the parties' joint response to the Court's July 25, 2005 order to show cause regarding consolidation of the above-captioned matter with the consolidated securities litigation (captioned *In re Express Scripts, Inc., Securities Litigation*, No. 04-CV-1009-SNL) (the "Class Actions"), the Court hereby orders:

1. The discovery stay entered by the Hon. Henry E. Autrey on July 20, 2005 is continued through and until such time as discovery commences in the Class Actions. No discovery, initial disclosures or parties' planning meeting shall take place before that time.

2. The pending motion to dismiss will not be heard by the Court unless and until such time as the forthcoming motion to dismiss in the Class Actions is resolved. Plaintiff Manzione will have 30 days after the resolution of the motion to dismiss in the Class Actions to file an amended complaint if he chooses.

3. Any schedule entered in the Class Actions shall automatically apply to this action, unless the Court orders otherwise.

Dated this 2nd day of December, 2005.



SENIOR UNITED STATES DISTRICT JUDGE